The Lake County Planning Commission sat in session at 6:00 p.m. on this date and conducted hearings & other business.

**Members Present:** Chair Joe Skala, James Weinzierl, Jim Linscheid Commission Rich Sve, John Bathke, Simbre Fosness, Mabel Tarlton (alternate)

**Members Absent:** Mike Hoops

**Zoning Staff Present:** Christine McCarthy (Environmental Services Director), Neva Maxwell (Land Use Specialist) and Jill Paron (Environmental Services Specialist).

Joe Skala called the meeting to order at 6:00 P.M.

The first hearing, I-18-019 was an initial interim use application filed by Brien Getten/ Two Harbors Hideaways LLC which if approved would allow a vacation rental home on property described as: E ½ of SW ¼ of NE ¼ in Section 12, Township 53, Range 11, zoned R-1/Residential, ten-acre minimum, Unorganized Territory #2.

Skala introduced the application. McCarthy summarized the staff report. There was one comment opposed. The concern in this comment was over increased traffic and past speeding violations on the road not being enforced.

Brien Getten represented the application along with his wife Shelley and their son Devin.

Linscheid asked how the cabin will be heated. Getten explained it has both propane and wood heat. Linscheid recommended he include instructions on how to use the woodstove.

Linscheid asked about lighting. Getten stated the cabin has propane lanterns and battery lanterns with LED lights. Linscheid explained dangers relating to use of propane lanterns and possible carbon monoxide poisoning. He recommended regular maintenance of lanterns.

Bathke stated that traffic on the road is already minimal and shouldn’t increase from this rental. He recommended including in rules that speed limit is to be respected as a courtesy to neighbors and to keep down dust.

Maxwell asked about garbage handling and the new driveway, which is still soft. Getten explained that garbage will be kept inside. He also stated the old driveway could be used until the new driveway is ready.

Skala asked if he was providing the renters with drinking water. Getten stated he would.

Sve asked about his occupancy and storing of water and disposal of waste water. Getten stated he would be following the requirements of the Health Department.

Sve asked about maintenance of the privy. Getten stated it had a plastic tank he would pump out. McCarthy explained this would require a pumping contract.

Linscheid asked about phone service. Getten stated there is no landline, but there is good cell phone coverage. Linscheid stated renters should know this when they make reservations.

Skala opened the hearing to public comments.

Dave Falk expressed concern over the ponds on his property and having families with children renting. He is concerned children could wander to the pond and drown.

Kathy Falk asked if they would be advertising as a hunting property. Shelley Getten said they do not want hunting on the property. She stated they would be advertising to younger people looking for a rustic cabin experience.

Sve asked how far it was to the ponds. Mr. Falk said it was about 100 yards. Mrs. Falk stated it is easy to access.

Jennifer Johnson also expressed concern over a pond on her property that is about 12 feet deep and visible from the rental driveway which goes through a portion of the Johnson property.
Shelley Getten stated they are not advertising for families with children and can state it is not ideal for young children.

Cliff Taylor asked what zoning district the property is in.

McCarthy explained that vacation rentals are allowed in the residential zoning districts. She also stated that rental activity shouldn’t be noticed by neighbors.

Maxwell explained that vacation rental homes must be on a conforming lot. This is a 10-acre zone, and the property is 20-acres. She also explained that the initial approval is for one year so that it can be reviewed to see conditions are met and complaints can be addressed.

Motion by Linscheid supported by Weinzierl to recommend one (1) year approval to the County Board with the following findings and conditions:

Findings:
1. Safe and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. Applicant is to set up a pumping schedule for the privy and the Health Inspector will set recommendations regarding using a bucket for disposal of sink water by random dispersal on the ground.
5. Adequate utilities are already existing.
6. No electricity on site. Must post inside cabin that ponds are in the area.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:
1. Maximum occupancy four (4) guests.
2. Quiet hours from 10 P.M. to 7 A.M.
3. All ATV’s and snowmobiles must be trailered while on the property.
4. No fireworks or discharge of firearms on the property.
5. Fires must be in a designated pit and used in a safe manner.
6. Boundaries must be clearly marked.
7. Renters must be informed of nearby ponds and told to stay on the rental property.

Motion passed by unanimous vote. (PCR-18-031)

The second hearing, I-18-020 was an (after-the-fact) initial interim use application filed by William A. Fisher which if approved, would allow a vacation rental home on property described as: That part of Govt. lot 2 lying south of a line drawn parallel to and 450 ft south of the north line of Govt. lot 2 in Section 28, Township 60, Range 9, zoned RR/Residential-Recreational, one-acre minimum, Stony River Township.

Skala introduced the application. McCarthy summarized the staff report. There was no correspondence.

William Fisher represented the application. He stated he has been a lodging provider for 14 years.

Skala asked how far this property is from the lodge [National Forest Lodge]. Fisher stated it is a ½ mile across the lake.

Sve asked what his occupancy has been. Fisher said his maximum has been 8. Sve explained that since he has a 3-bedroom septic system, the occupancy is limited to 6, and there can be no rental activity in the extra cottage. Fisher stated he has used it as an extra sleeping option for his guests. Sve stated that the Ordinance does not allow the rental of guest quarters. Fisher asked for the rational. Sve states this was the decision that came out of the public hearing discussions over the vacation rental ordinance.

Skala asked if the occupancy could be more than 6. McCarthy explained that Vacation Rental Home occupancy is limited by the size of the septic system. Skala stated a resort would allow a higher occupancy. McCarthy explained that a resort septic system is designed for a resort use, this system is designed for residential use.

Maxwell explained that a flow meter is required on vacation rental home septic systems. She stated...
since this system is gravity feed, and there is no pump to connect a meter to, he will need to meter the water going into the home and take monthly readings.

Skala asked about rentals under a Conditional Use. McCarthy explained that resorts are under a Conditional Use Permit. She explained Fisher has a nearby resort, but this property is not adjacent to his resort property and requires an Interim Use Permit as a separate vacation home. Maxwell also explained that this area is zoned Residential-Recreational and the surrounding area is mostly Forest-Recreational. She explained in the FR district a vacation rental home doesn’t require an interim use, it is an allowable use without a permit.

Motion by Bathke supported by Fosness to recommend one (1) year approval to the County Board with the following findings and conditions:

Findings:
1. Safe and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. The structures are already existing and will not impact public waters or wetlands.
5. Adequate utilities are already existing.
6. There have been no complaints regarding this rental.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:
1. No rental activities in the guest cottage.
2. Occupancy maximum of 6.
3. Quiet hours from 10:00pm – 7:00am.
4. All ATV’s/snowmobiles must be trailered while on the property.
5. No fireworks or discharge of firearms on the property.
6. Fires must be in a designated pit and used in a safe manner.

Motion passed by unanimous vote. (PCR-18-032).

Motion by Bathke supported by Sve to approve the minutes with corrections from the August 20, 2018 meeting. Motion passed by unanimous vote.

The third hearing, C-18-010 was a conditional use application filed by William A. Fisher which if approved, would allow for a resort with a maximum occupancy of 60, full service restaurant, on-sale beer and wine, gift shop, and boat rentals on property described as: That part of govt. lot 6 lying N of C/L of MN Trunk Highway #1 as desc. in doc A00016734 in Section 28, Township 60, Range 9, 19.34 acres, zoned R-R/Residential-Recreational District, one-acre minimum, Stony River Township.

Skala introduced the application. McCarthy summarized the staff report. There was one comment from the Stony River Township Board in favor.

McCarthy explained this hearing is a revision for an existing Conditional Use Permit that is needed because part of the original resort was sold, going from 63 acres to 19.34 acres. There is also a different number of units.

Fisher represented the application. He explained what is left are the building from the original resort. The condos that had been built [under the existing CUP] were sold.

Linscheid asked how fish cleaning is handled to keep away animals. Fisher stated fish waste is disposed of in the woods and he hasn’t had problems with animals.

Maxwell asked how many cabins are being rented. Fisher stated 10.

Sve explained this lodge has been in operation and the new Conditional Use is to clarify current activity.

Motion by Bathke supported by Fosness to approve the application as submitted with the following findings:

Findings:
9. Safe and efficient access, off street parking, and loading space exists.
10. The use will comply with hydrology and
impervious surface requirements of the Ordinance.
11. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
12. The resort is already existing and will not impact public waters or wetlands.
13. Adequate utilities are already existing.
14. There have been no complaints regarding this resort.
15. A resort will not be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
16. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Motion passed by unanimous vote. (PCR-18-033)

McCarthy updated the Planning Commission on the Larsmont Cottages short-term rentals discussion. She explained County Attorney Russ Conrow advises that the homeowners’ association apply for a conditional use that defines short-term renting in the Common Interest Community. She is working towards seeing this on the December Planning Commission agenda.

The fourth hearing, I-18-021 was an initial interim use application filed by Arrowhead Vacation Properties which if approved, would allow a vacation rental home on property described as: Those parts of lot 1 & lot 2 & the NW ¼ of SE ¼ as desc. in BK 53 of Titles pg. 135 in Section 20, Township 52, Range 11, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory 2.

Skala introduced the application. McCarthy summarized the staff report. There was no correspondence.

Chris Wright represented the application along with his daughter Brooke. He explained he grew up in the area and recently purchased Stonegate Resort. He purchased this property to help add to the revenue as it is hard to make a small resort profitable.

Bathke asked about the septic sizing; it is a 4-bedroom septic and a 3-bedroom house. McCarthy stated there is also a cabin, which cannot be rented. Bathke stated he could have a maximum occupancy of 8 with a 4-bedroom septic system, but not use the guest cabin.

Bathke mentioned to Wright to mark the property boundaries. Wright stated guests will be taken to the beach to be shown the boundaries.

Motion by Weinzierl supported by Linscheid to recommend one (1) year approval to the County Board with the following findings and conditions:

Findings:
1. Safe and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. The home is already existing and will not impact public waters or wetlands.
5. Adequate utilities are already existing.
6. Lighting will not shine onto neighboring properties.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:
1. No rental activities in the guest quarters.
2. Quiet hours from 10:00pm – 8:00am.
3. All ATV’s/snowmobiles must be trailered while on the property.
4. No discharge fireworks of firearms on the property.
5. Fires must be in a designated pit and used in a safe manner.
6. Occupancy maximum 8.

Motion passed by unanimous vote. (PCR-18-034).

The fifth hearing, I-18-022, was a renewal interim use application filed by Judy Lykins/Hwy 61 Revisited LLC which if approved, would allow a vacation rental home on property described as: S 250ft of N 500ft of lot 1 E of TH No 61 & S 50ft of N 250ft of lot 1 E of TH No 61 in Section 23, Township 54, Range 9, 6.0-acres, zoned R-C/Resort-Commercial, two-acre minimum, Silver Creek Township.
Skala introduced the application. McCarthy summarized the staff report. There was no correspondence.

Andrew Beavers, Cascade Rentals, represented the application. He explained that at the initial hearing [2017] there was a neighbor with concerns about safety and property boundaries, especially at the beach. He spoke with the neighbor and gave the neighbor his contact information. He never received any complaints.

There was general discussion regarding how the property was marked and emergency contact information. Beavers explained the rental agreement that all renters must initial. He stated he will send updated contact information to Planning and Zoning.

Motion by Bathke supported by Weinzierl to recommend five (5) year approval to the County Board with the following findings and conditions:

Findings:
1. Safe and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. The home is already existing and will not impact public waters or wetlands.
5. Adequate utilities are already existing.
6. The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:
2. Quiet hours from 10:00pm – 7:00am.
3. Clearly marked property boundaries.
4. Garbage to be taken care of in a timely manner.
5. Lighting must not shine onto neighboring properties.
6. All ATV’s/snowmobiles must be trailered while on the property.
7. No discharge of fireworks or firearms on the property.
8. Fires must be in a designated pit and used in a safe manner.

Motion passed by unanimous vote. (PCR-18-035)

The sixth hearing, P-18-003, was a preliminary plat application filed by Mary Sutton which if approved, would allow an amendment to Lots 7 & 8, Gunsten Lake Development, named Block One, Lots 1, 2, and 3, Gunsten Ridge Addition on property described as: Lot 7 and 8 Gunsten Lake Development, Section 10, Township 60, Range 10, 12.72-acres, zoned R-R/ Residential-Recreational District, one-acre minimum, Stony River Township.

Skala introduced the application.

Marc Smith represented the application for the property owners May Sutton, Amy Gardner, and Jana Studelska. He submitted a written explanation of how the lots were subdivided at the hearing. He explained how the lots came to be illegally subdivided.

McCarthy explained that the creation of new lots requires septic sites to be identified. The contractor could not find the sites needed for 4 lots, so they can only have 3 lots created out of the original lots (7 & 8). McCarthy also explained that the history Smith submitted was not provided prior to the hearing and many items listed in the history are inaccurate.

McCarthy stated that Sutton has not submitted the peer surveyor review letter, which she was told was required before the hearing. McCarthy explained that she has done her best to accommodate Sutton’s request to have the hearing at this meeting and she had originally said it would be submitted August 20th.

McCarthy summarized the staff report. There was one comment opposed to the creation of more lots. McCarthy stated the split has already happened and normally the adjacent owners would be noticed before this happens.

Linscheid asked about the number of original lots
in Gunsten Lake Development. Smith answered 13 lots.

Sve asked if the proposed lots meet the zoning requirements. McCarthy said the original proposal [the illegal subdivision] was for 4 lots. However, there were not enough septic sites available. Maxwell explained that [proposed] Lot 3 has a lot of wetlands and it was difficult to find a ½-acre building site. She explained that identifying suitable building area is part of the platting process. She stated the road is also in need of maintenance.

Sve stated he did not want to make a decision without the peer surveyor review letter since it was supposed to be submitted in time for the hearing.

Motion by Bathke supported by Linscheid to table the hearing for the plat amendment application until the October 15, 2018 Planning Commission meeting.

Motion passed by unanimous vote.

Motion by Bathke supported by Weinzierl to adjourn the meeting. Motion passed by unanimous vote.

Respectfully Submitted,

Christine McCarthy
Environmental Services Director